

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

UNITED STATES OF AMERICA

v.

RICARDO KIOWA GONZALES,
IN RE GRAND JURY PROCEEDINGS

Criminal No: 4:02-CR-8-2-
CDL

MOTION TO AMPLIFY REQUEST FOR
DISCLOSURE OF GRAND JURY RECORD

Comes Now the Defendant, pro se, and amplifies his request for disclosure, pursuant to Fed. R. Crim. P. 6(e)(3)(E)(i).

(1) Disclosure is directly related to identifiable litigation both pending and anticipated, and (2) Defendant has a compelling need for this material for his direct appeal under Article 69(b) UCMJ and litigation before this court and/or a subsequent petition for a writ of habeas corpus.

Defendant's former counsel took no action to compel disclosure prior to trial because it was either not known to him or he failed and rendered ineffective assistance.

The Government Counsel has mistakenly advised the court that Defendant pled guilty to the charge which is the subject of this motion. At court-martial Defendant pled NOT GUILTY to violation of 18 U.S.C. section 2423(a).

Defendant did plea guilty to other charges, but has filed to withdraw his plea as it was improvident and was entered under duress, ineffective assistance of counsel, and due to withholding of exculpatory evidence that was only discovered after trial.

There is authority for this motion.

Army Regulation 27-10 states that when the Department of Justice and the Department of Defense enter into a joint investigation, all such investigations will be subject to D.O.J. guidelines.

Von Hoffburg v. Alexander 515 F. 2d 633

(Military exhaustion may not be required under some precedents, if plaintiff has raised substantial Constitutional questions).

US v. Salinas 693 F 2d 348

(Government dismissed charges in bad faith)

Defendant has a compelling need for the disclosure. Review of the grand jury transcripts has already yielded incontrovertible proof of perjury. Defendant needs the entire record in order to adequately exercise his right to appeal.

Great deference should be given to the Government's lack of denying the factual statements of the motion.

Defendant respectfully begs the court to consider that he is attempting to litigate without assistance of counsel or availability of a typewriter or word processor and with no legal training. He is by profession an officer of Infantry and has a minimal understanding of the law.

In contrast, the Government Counsel has unlimited resources. He has the finest computerized research facilities available and employs the best lawyers in the nation who are experienced, professional, goal driven, and will do whatever it takes to deny Defendants requests.

WHEREFORE, Defendant amplifies his need for disclosure and prays this court order disclosure of the motion.

Respectfully submitted,



Ricardo K. Gonzales

77558

1300 N. Warehouse Rd.

FT. Leavenworth, KS 66027

Certificate of Service

I hereby certify that I have served a copy of this motion to Amplify Request for Disclosure upon Government counsel. The copy is a handwritten verbatim replica of this motion, by 1st Class Mail to:

The Honorable Dean S. Daskall
Assistant United States Attorney
Middle District of Georgia
P.O. Box 2568
Columbus, GA 31902.

Done this 15th Day of August 2005.

A handwritten signature in dark ink, appearing to read "Ricardo K. Gonzales", written over a horizontal line.

Ricardo K. Gonzales
Defendant.